

REMARKS

In the Final Office Action mailed June 23, 2009, the Examiner objected to the drawings; and rejected claims 1-9 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2004/0130576 to Fujita et al. ("*Fujita*") in view of U.S. Patent Publication No. 2006/0132326 to Fang et al. ("*Fang*").

By this amendment, Applicants propose to amend claims 1-6. Upon entry of this amendment, claims 1-9 would be pending.

Applicants respectfully traverse the objection to Figures 1 and 2 of the drawings. Figures 1 and 2 are discussed in both the "Background of the Invention" and the "Detailed Description of the Invention." Accordingly, there is no requirement that Figures 1 and 2 be labeled exclusively as "Prior Art." As stated by the MPEP, a figure "should be designated by a legend such as --Prior Art-- because only that which is old is illustrated." MPEP §608.02(g) (emphasis added). However, because Figures 1 and 2 are discussed in the "Detailed Description of the Invention," there is no evidence that they disclose "only that which is old." MPEP §608.02(g) (emphasis added). For at least these reasons, the Examiner should withdraw the objection to the drawings.

Applicants respectfully traverse the rejection of claims 1-9 under 35 U.S.C. §103(a) as being unpatentable over *Fujita* in view of *Fang*.

Independent claim 1 recites an information processing apparatus for performing a predetermined process in accordance with a user operation on a touch panel overlaid on a display, including changing means for

changing a size of operation buttons after detecting the change in the aspect ratio, the operation buttons displayed superimposed on the images before and after the change in the aspect ratio.

Combinations of *Fujita* and *Fang* fail to teach or suggest at least the claimed “operation buttons.”

With respect to Figure 9, *Fujita* discloses a source image display screen 52 and an operation button image screen 51. Source image display screen 52 is compressed and moved in order to make room for operation button image screen 51. *Fujita*, ¶ [0047].

Fujita’s operation button image screen 51 does not constitute the claimed “operation buttons” at least because *Fujita* does not teach or suggest “changing a size of [the] operation buttons,” as recited in claim 1. By contrast, *Fujita* discloses compressing source image display screen 52, while keeping operation button image screen 51 the same size. *Fujita*, ¶ [0047].

Moreover, on page 4 of the Final Office Action, the Examiner alleges that *Fujita* discloses the claimed “predetermined process” as the continuous display of operation button image screen 51. This is not correct, at least because the alleged continuous display of operation button image screen 51 is not performed “in accordance with a user operation on a touch panel overlaid on a display,” as recited in claim 1 (emphasis added).

Fang fails to cure the deficiencies of *Fujita* by also failing to teach or suggest the claimed “operation buttons” and “predetermined process.” Accordingly, combinations of *Fujita* and *Fang* fail to teach or suggest claim 1. Independent claims 2-6, while of different scope than claim 1, distinguish over *Fujita* and *Fang* for reasons similar to claim 1. Claims 7-9 depend from one of the independent claims.

Applicant respectfully requests that the Examiner enter this Amendment under 37 C.F.R. § 1.116, placing the claims in condition for allowance.

In view of the foregoing, Applicants submit that the claims are neither anticipated nor rendered obvious in view of the cited references. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: July 27, 2009

By: 

Fahd Hussein Patel
Reg. No. 61,780
(202) 408-6072